

REMARKS

Status of Claims

Claims 1, 3-9, and 11-14 are pending in this application. Reconsideration of the rejections of all claims is earnestly solicited in view of the following remarks.

Substance of Interview

Applicants thank examiner Huynh for granting the interview conducted on March 31, 2005 and for considering the arguments made with respect to the deficiencies of the prior art, including Rodden and Boute. The prior art is devoid of a system that maximizes a window based on determinations that a screen resolution is below a predetermined threshold and that a size and position for the window are not specified.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 3-9, and 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,473,102 to Rodden *et al.* (hereinafter “Rodden”), in view of U.S. Patent No. 6,581,020 to Buote *et al.*, (hereinafter “Buote”). This rejection is respectfully traversed.

Rodden discloses a system for repositioning windows in response to changes in display configuration. The system applies in particular to repositioning of utility windows in response to actions that may affect the view of such windows on a display. (See column 1, lines 12-15 of Rodden). In effect, the system of Rodden prevents changes to utility window repositioning that often occur when a display is reconfigured. If a configuration of the display changes, for example as a result of a resolution change, a display manager provides the operating system with notification and the operating system

calls a procedure, shown in FIG. 4, for repositioning the window so that all of its controls will be visible as explained in column 4, lines 13-31.

Buote discloses a data management system that incorporates multiple screens. In an exemplary embodiment all screens have a resolution of 600 X 800 and the display mode of each window depends on the screen resolution set for the computer. If the screen resolution is set at 600 X800, all windows appear in maximized mode. If the computer is set to a higher resolution, all windows appear in window mode as set forth in column 11, lines 15-21 of Buote.

Both Rodden and Buote lack several features of the invention of claim 1. Neither Buote nor Rodden discloses determining, for the window, whether a display size and display screen position are specified for the window.

As set forth above with respect to Buote, Buote teaches that all windows will be the same size. The size of the window is dependent on the pre-set resolution. While Buote, column 11, lines 15-25, discloses checking the screen resolution to determine the display mode, maximized or window; Buote fails to disclose determining the size and position of the window.

With regard to Rodden, while Rodden at column 1, lines 55-65, discloses a determination is first made of the preferred size and position of the window. It should be noted that this determination is made (1) in response to a change in the resolution, and (2) to constrain the size of the window to fit in a current display area. The detailed description of FIGS. 4-5 of Rodden discloses a user is provided with a preference feature to indicate whether a window should remain on the visible desktop (see column 4, lines 38-43 of Rodden); furthermore, col 4, lines 45-65 discloses, in response to a change in

the environment that affects the window, **calculating** a preferred position of the window using the calculation procedure disclosed in FIG. 5 and the accompanying description. Rodden explicitly discloses that a calculation procedure is used to determine the preferred position and column 5, lines 1-10 further disclose the preferred size is calculated to be the size necessary to illustrate all of the content of the window without the need for scroll bars. Therefore, Rodden teaches away from the claimed invention because the determination that he makes involves calculating both the preferred size and position. Unlike Rodden, the determination in the present invention, as set forth in claim 1, occurs when a window is created, also the determining step of claim 1 checks to see whether a size and position have been specified. For the reasons set forth above, Rodden's determination of the preferred size and position does not disclose the claimed determination of size and position. Thus, neither Rodden nor Buote discloses determining, for the window, whether a display size and display screen position **are specified** for the window as set forth in claim 1.

Since neither reference discloses determining, for the window, whether a display size and display screen position **are specified** for the window, it follows that neither reference discloses if a size and position are specified, rendering the window at the specified size and in the specified position, so that the window is not automatically maximized as set forth in claim 1. Furthermore neither reference discloses determining the screen resolution for the display screen if the size and position are not specified.

Accordingly, even if combined, Rodden and Buote would not have resulted in the claimed invention. In order to make out a *prima facie* case of obviousness, the references cited by the Examiner must provide all of the elements of the invention as claimed and a

suggestion to combine the disclosures of the various cited art references to make the claimed invention. *In re Geiger*, 815 F.2d 686,688 2 USPQ2d 1276, 1278 (Fed. Cir. 1987); *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Additionally, in order to make a *prima facie* case of obviousness, a teaching or suggestion of the combination must be found in the prior art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Rodden and Buote are concerned with entirely different problems. While Rodden is concerned with user access to utility windows, Buote is concerned with the general appearance of screen data in view of the selected resolution. With Buote, all windows receive the same treatment. Either all windows are maximized or no windows are maximized. Accordingly, Buote teaches away from the disclosure of Rodden, which selectively reinstates utility windows to their original positions. No teaching or suggestion is present for making the asserted combination.

Moreover, the office action has referred to a limitation of automatically and inversely changing the size of a display window responsive to changing the screen resolution. This limitation is not addressed because it is not part of any of the presented claims.

Claims 3-7 depend from claim 1. Accordingly, claims 3-7 are allowable over Buote and Rodden for at least the reasons set forth above with respect to claim 1.

With regard to claim 8, similar arguments as those explained above with respect to claim 1 can be applied. Both Rodden and Buote fail to disclose determining, for the window, whether a display size and display screen position **are specified** for the window,

and if a size and position are specified, rendering the window at the specified size and in the specified position. Furthermore, neither Rodden nor Buote discloses the claimed steps if no position and size are specified. The claimed steps include determining current screen resolution, comparing current screen resolution with a selected resolution threshold, and automatically maximizing the size of the window on the display screen if the current screen resolution is below the selected resolution threshold. Thus, even if combined, Buote and Rodden would not have resulted in the invention of claim 8.

Furthermore, claim 8 as a whole claims selective maximization of windows. Since Buote discloses uniform maximization of all windows, no teaching is provided for the selective maximization.

Claims 9 and 11-13 depend from claim 8 and define over Buote and Rodden for at least the reasons set forth above with respect to claim 8.

With regard to claim 14, both Buote and Rodden fail to disclose determining, for the window, whether a display size and display screen position **are specified** for the window, and **if a size and position are specified**, rendering the window at the specified size and in the specified position. Additionally, neither Buote nor Rodden discloses determining if the window is capable of being maximized on the display screen. Finally, neither Buote nor Rodden discloses if the window is capable of being maximized, automatically rendering the window in a maximized size on the display screen. Accordingly, even if combined, Buote and Rodden would not have resulted in the claimed invention.

Furthermore, claim 14 as a whole claims selective maximization of windows. Since Buote discloses uniform maximization of all windows, no teaching is provided for

the selective maximization. Rodden does not relate to window maximization, but merely to allowing utility windows to remain visible if a display configuration changes.

Thus, because the combination of Rodden and Buote would not have resulted in the claimed invention and furthermore because no teaching or suggestion is provided for modification as suggested, the references fail to render obvious the claimed invention. Accordingly, withdrawal of the rejection of all claims is respectfully requested.

Claims 1, 3-9, and 11-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent publication 2003/0076340 to Hatori *et al.* (hereinafter “Hatori”), in view of U.S. Patent No. 6,581,020 to Buote *et al.* (hereinafter “Buote”). This rejection is respectfully traversed.

This rejection is improper because Hatori is a publication filed on September 17, 2002. Although Hatori has foreign priority to a Japanese publication filed on September 18, 2001, the effective U.S. filing date of Hatori under 102(e)/103 is September 17, 2002, which is after the filing date of the current application, October 31, 2001. MPEP 706.02(f)(1) (2004). Under 102(e), the filing date of a foreign application is not used as the effective U.S. filing date; so, no benefit is given under 102 (e), for prior art purposes, to the foreign-filed application. See, *In re Hilmer*, 149 USPQ 480 (CCPA 1966). Thus, a publication and patent of a 35 U.S.C. 111 (a) application, Hatori, which claims benefit under 35 U.S.C. 119 (a)-(d) to a prior foreign-filed application would be accorded its U.S. filing date as its effective U.S. filing date under 35 U.S.C. 102 (e), which is September 17, 2002. See *Id.* at Example 3. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

Claims 1, 3-9, and 11-14 are pending in this application. In view of the amendments and remarks, applicants respectfully request that this application be allowed and passed to issue. Should any issues remain prior to issuance of this application, the Examiner is urged to contact the undersigned prior to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112 referencing Attorney Docket No. MFCP.81059.

Respectfully submitted,

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